

CLARENCE A. GIDDENS

DECEMBER 9 (legislative day, DECEMBER 7), 1943.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 1433]

The Committee on Claims, to whom was referred the bill (S. 1433) for the relief of Clarence A. Giddens, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Page 1, line 6, in the blank space insert the figures "\$4,000".

The purpose of the proposed legislation is to pay to Clarence A. Giddens, of Orlando, Fla., the sum of \$4,000 in full satisfaction of his claims against the United States (1) for compensation for the death of his daughter, Betty Lou Giddens, who died as a result of personal injuries sustained by her when an Army plane crashed into their apartment; (2) for personal injuries sustained by his daughter, Carol March Giddens, as a result of such accident; (3) for reimbursement of medical, hospital, and funeral expenses; and (4) for loss and damage to his personal property as a result of such accident.

STATEMENT OF FACTS

The report of the War Department states that on June 5, 1943, at about 2:15 p. m., an Army airplane in attempting to take off from an Army airfield near Orlando, Fla., failed to gain sufficient power to leave the ground, crashed through a wire fence, crossed a highway and struck a house, and then struck a garage building owned by Mrs. Alice Inez Davidson in which Mr. Clarence A. Giddens and his family had an apartment. Mr. Giddens' two daughters, Betty Lou Giddens, 14 years of age, and Carol March Giddens, 12 years of age, were in the apartment at the time. The crash caused the Giddens apartment to catch on fire and Betty Lou Giddens was killed in the accident. Carol March Giddens was injured in the accident, but was rescued from the apartment and taken to the Orange General Hospital, Orlando, where she remained as a patient until June 16, 1943.

The evidence shows that the funeral expenses of Betty Lou Giddens amounted to \$295, and that Mr. Giddens incurred hospital expenses for Carol March Giddens in the amount of \$126, and medical expenses in the sum of \$69.

Dr. H. M. Beardall of Orlando, stated that Carol Giddens suffered from first and second degree burns and multiple contusions.

One contusion on her forehead was about the size of a hen egg but there was not any resulting hematoma. The burns were on her right leg and arm. She will probably have the scars for some years but there is not any deformity.

Mr. Giddens' garage apartment and contents were completely destroyed. His Ford car was scorched, the top was blistered, two tires burned, and others were scorched.

The War Department report states that inasmuch as this accident resulted through no fault or negligence on the part of the Giddens family, but resulted from an instrumentality of the Government for which it may properly assume liability, Mr. Giddens should be properly compensated.

* * * Considering the age of Betty Lou Giddens at the time of her death and all of the circumstances of the case it is believed that an appropriation * * * in the amount of \$4,000 would be a fair and reasonable settlement for all the damages * * * (\$3,000 for the death of Betty Lou Giddens; \$295 for her funeral expenses; \$195 for medical and hospital expenses of Carol March Giddens; \$210 for damages to and loss of personal property; and \$300 for the personal injury of Carol March Giddens).

Your committee concur in the above and recommend that the bill be favorably considered.

Appended is the report of the War Department.

WAR DEPARTMENT,
Washington, D. C., December 2, 1943.

Hon. ALLEN J. ELLENDER,
*Chairman, Committee on Claims,
United States Senate.*

DEAR SENATOR ELLENDER: Reference is made to your letter of October 14, 1943, enclosing a copy of S. 1433, for the relief of Clarence A. Giddens, and requesting a report on the merits of the bill.

This bill would authorize and direct the Secretary of the Treasury to pay to Clarence A. Giddens, of Orlando, Fla., an unstated amount "in full satisfaction of his claims against the United States (1) for compensation for the death of his daughter, Betty Lou Giddens, who died as a result of personal injuries sustained by her when an Army airplane crashed into the partment of the said Clarence A. Giddens on June 5, 1943; (2) for compensation for personal injuries sustained by his daughter, Carol March Giddens, as a result of such accident; (3) for reimbursement of medical, hospital, and funeral expenses incurred by him as a result of such injuries and death; and (4) for compensation for loss and damage to his personal property as a result of such accident."

On June 5, 1943, at about 2:15 p. m., an Army airplane in attempting to take off from an Army airfield near Orlando, Fla., failed to gain sufficient power to leave the ground, crashed through a wire fence, crossed a highway and struck a house, and then struck a garage building owned by Mrs. Alice Inez Davidson in which Mr. Clarence A. Giddens and his family had an apartment. Mr. Giddens' two daughters, Betty Lou Giddens, 14 years of age, and Carol March Giddens, 12 years of age, were in the apartment at the time. The crash caused the Giddens apartment to catch on fire and Betty Lou Giddens was killed in the accident. Carol March Giddens was injured in the accident, but was rescued from the apartment and taken to the Orange General Hospital, Orlando, where she remained as a patient until June 16, 1943.

The evidence shows that the funeral expenses of Betty Lou Giddens amounted to \$295, and that Mr. Giddens incurred hospital expenses for Carol March Giddens in the amount of \$126 and medical expenses in the sum of \$69.

Dr. H. M. Beardall, 147 East Church Street, Orlando, who treated Carol March Giddens, in a statement dated July 31, 1943, said:

"The following is my diagnosis and prognosis of Miss Carol Giddens, injured on June 5, 1943, by a falling and burning airplane. She entered the Orange General Hospital suffering from first and second degree burns and multiple contusions. One contusion on her forehead was about the size of a hen egg but there was not any resulting hematoma. The burns were on her right leg and arm. She will probably have the scars for some years but there is not any deformity. At the present time, although I have not seen her, I understand she is suffering with her eyes. I see no reason for this in connection with the accident but suggested that they see a specialist about it."

Mr. Giddens in an affidavit dated June 15, 1943, stated:

"* * * My garage apartment and contents were completely burnt up. The house was rented partly furnished. I have not completed a list of our belongings. I had \$50 in the pocket of one of my trousers. The most valuable articles were, a radio, 3 Bibles, a cot, blankets, etc. My Ford car was standing away from the apartment but it was scorched, blistered top, two tires burned, others scorched, radiator solder melted, causing the radiator to leak. It was a 1931, 5-passenger Model A Ford, which I estimated to be worth \$150 before the fire damaged it. * * *"

No estimates have been furnished showing the amount of the damage to the personal property of Clarence A. Giddens as a result of this accident, and no claim has been filed by him with the War Department.

It appears that Mr. Giddens is 36 years of age and by occupation is a carpenter, presently employed by the Ewell Construction Co. of Orlando. He states that his total earnings for the year of 1942 were about \$2,000. It further appears that the following persons are dependent upon him for their support: Blanche K. Giddens, wife, 33 years of age; Wallace A. Giddens, son, 13 years of age; Carol March Giddens, daughter, 12 years of age; Dorothy Rose Giddens, daughter, 10 years of age.

In his testimony before the board of officers which investigated this accident Mr. Giddens stated that neither he nor his wife carried any insurance on the life of his daughter Betty Lou Giddens.

Inasmuch as the evidence establishes that this accident resulted through no fault or negligence on the part of Mr. Clarence A. Giddens or any member of his family, but resulted from an instrumentality of the Government for which it may properly assume liability, it is the view of the War Department that Mr. Giddens should be properly compensated for the damages sustained by him. Considering the age of Betty Lou Giddens at the time of her death and all of the circumstances of the case it is believed that an appropriation for the relief of Mr. Giddens in the amount of \$4,000 would be a fair and reasonable settlement for all the damages sustained by him as a result of this accident.

The War Department, therefore, will interpose no objection to the enactment of the proposed legislation if the bill is so amended as to provide for the payment to Mr. Giddens of the sum of \$4,000 (\$3,000 for the death of Betty Lou Giddens; \$295 for her funeral expenses; \$195 for medical and hospital expenses of Carol March Giddens; \$210 for damage to and loss of personal property; and \$300 for the personal injury of Carol March Giddens).

The fiscal effect of the bill is manifest.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

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